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 Managing Agent Brookfield Properties Retail, Inc.*

**UNITED STATES BANKRUPTCY COURT  
 DISTRICT OF NEW JERSEY**

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In re:	:	Chapter 11
	:	
BED BATH & BEYOND, INC., et al.,	:	Case No. 23-13359 (VFP)
	:	
Debtors.	:	(Jointly Administered)
	:	
-----X	X	

**APPLICATION FOR ORDER SHORTENING TIME**

The Applicant, Pinnacle Hills, LLC and managing agent Brookfield Properties Retail, Inc. (together the, “Landlord”), by and through its undersigned counsel, hereby requests that the time period for its *Motion for Entry of an Order Authorizing Pinnacle Hills, LLC to File Under Seal its Unredacted Lease with Tenant Hobby Lobby Stores, Inc.*, (the “Motion to Seal”) be shortened pursuant to Fed. R. Bankr. P. 9006(c)(1). In support of the Motion to Expedite, Landlord respectfully represents:

### **BACKGROUND**

1. On April 23, 2023, the above-captioned Debtors filed their voluntary petitions for relief under Chapter 11 of the Bankruptcy Code.

2. No trustee has been appointed and Debtors are currently operating their businesses as debtors-in-possession under Sections 1107(a) and 1108 of the Bankruptcy Code. Debtors' Chapter 11 cases are being jointly administered pursuant to Rule 1015(b) of the Federal Rules of Bankruptcy Procedure.

3. On July 12, 2023, Landlord filed its objection to the Debtors' assumption and assignment of the lease for the Premises<sup>1</sup> (the "Assumption Objection").<sup>2</sup>

4. The Assumption Objection references the Hobby Lobby Lease, and provides that the Debtors have failed to establish that their proposed assignee will comply with the use and exclusivity provisions of the Hobby Lobby Lease.

5. The Landlord filed the Motion to Seal, requesting Court approval to file the Hobby Lobby Lease under seal on July 17, 2023 [Docket No. 1389].

### **RELIEF REQUESTED**

6. The Debtors' proposed assignment of the lease for the Premises is set for hearing on July 28, 2023, at which point the Court will determine its ruling on the Assumption Objection. The Debtors have requested that the Hobby Lobby Lease, in a redacted form, be made public prior to the Court's decision on the Assumption Objection.

7. Bankruptcy Rules 9006(c) and 9007 authorizes this Court to shorten the 21-day notice period "for cause." The reasons stated herein and in the Motion to Seal constitute

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<sup>1</sup> All terms capitalized but not defined herein will be given the definitions assigned to them in the Motion to Seal.

<sup>2</sup> Docket No. 1323.

cause under the Bankruptcy Rules. As such, the Landlord requests that the Motion to Seal be heard on an expedited basis.

**WHEREFORE** Landlord respectfully requests entry of an order granting the relief requested herein and such other and further relief as the Court may deem just and proper.

Dated: July 27, 2023

Respectfully submitted,

/s/ Robert L. LeHane

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